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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/944,847	08/31/2001	Dietrich Charisius	TS1006	3602
4678	7590	06/29/2005	EXAMINER	
MACCORD MASON PLLC 300 N. GREENE STREET, SUITE 1600 P. O. BOX 2974 GREENSBORO, NC 27402			BARQADLE, YASIN M	
			ART UNIT	PAPER NUMBER
			2153	

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/944,847	CHARISIUS ET AL.	
	Examiner Yasin M. Barqadle	Art Unit 2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 11 April 2005.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-38 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-38 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date, _____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.



Response to Amendment

1. Applicant's arguments filed on April 11, 2005 have been considered but are not deemed to be persuasive.

- Claims 1, 17, 25, 33 and 38 have been amended.
- Claims 1-38 are presented for examination.

Response to Arguments

Applicant argues in page 14, last paragraph, that "Neither the Endo patent nor the patents cited but not applied suggest or teach alone or in combination a method in a data processing system having a workflow that models a process using data mined from a generated plan." Examiner notes that Endo alone teaches this limitation. For example, Endo teaches compiling new task flow and extracting task execution person capable of executing pertinent tasks based on the personal data stored in the personal file 4. personal data include years of experience, adaptability, a knowledge, a speediness, an accuracy and an expected value of each task execution person (col. 5, lines 48 to col. 6, lines 15). Tasks are allocated to the suitable person based on results obtained by executing each task flow stored in the task flow file 7. Because the task execution person who has a greater ability thus executes the pertinent task, the

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processing efficiency of task flow of the whole workflow system is considerably improved (See figs 3-6 and 11 col. 9, lines 42 to col. 10, line 11 and col. 13, lines 66 to col. 14, line 10).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-38 are rejected under 35 U.S.C. 102(e) as being anticipated by Endo USPN No. (5974392).

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As per claim 1 and 17, Endo teaches a method and a computer-readable medium containing instructions for controlling a data processing system, the data processing system having a workflow that models a process (fig. 2 and abstract), comprising the steps of:

generating a plan to perform an instance of the process (creating a task flow and dividing a work effort in task col. 4, lines 39-51), the plan having tasks performed by resources, wherein each resource has profiled capabilities (figs 3-6 and 11 col. 5, lines 20-31) that are considered when generating the plan to ensure that, for each task, a suitable one of the resources is selected to perform the task (appropriate tasks are assigned to clients/execution persons based on their abilities to perform the task col. 4, lines 39-51);

receiving modification information indicating that the capabilities of one of the resources has changed (receiving evaluations/status from execution results of the tasks col. 4, lines 51 to col. 5, line 13); and

assigning the resources to the tasks to generate a new plan by using the received modification information (allocating appropriate task execution person and creating tasks based on evaluation results col. 4, lines 39-65 and col. 5, 32-54); and improving the profiles of the resources using data mined

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from the generated plan (See figs 3-6 and 11 col. 9, lines 42 to col. 10, line 11 and col. 13, lines 66 to col. 14, line 10).

As per claim 2 and 18, Endo teaches the invention, further comprising the steps of:

generating another plan to perform another instance of the process (col. 4, lines 39-95 and col. 5, 48-65); and

assigning the resources to the tasks of the other plan using the received modification information (col. 4, lines 39-65 and col. 6, lines 2-14).

As per claim 3 and 19, Endo teaches the invention, wherein the step of receiving modification information includes the step of assigning a new capability to the one resource that indicates the one resource is capable of performing an additional one of the tasks (col. 4, lines 39-65 and col. 6, lines 2-14).

As per claim 4 and 20, Endo teaches the invention, wherein the step of receiving modification information further includes the step of receiving replacement information that indicates that another resource should be replaced by the one resource (col. 5, lines 1-13 and col. 8, lines 8-38).

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As per claim 5 and 21, Endo teaches the invention, wherein the one resource and the other resource share a capability having a strength, wherein the step of receiving replacement information includes the step of increasing the strength of the one resource to exceed the strength of the other resource (col. 3, lines 12-31; col. 5, lines 43 to col. 6, line 29 and col. 7, lines 60 to col. 8, line 31).

As per claim 6 and 22, Endo teaches the invention, wherein the step of receiving modification information further includes the step of receiving replacement information that indicates that the one resource should be replaced by another resource (col. 9, lines 42-63).

As per claim 7 and 23, Endo teaches the invention, wherein the step of receiving replacement information includes the step of removing one of the capabilities of the one resource to facilitate the replacement (col. 9, lines 42-63).

As per claim 8 and 24, Endo teaches the invention, wherein the one resource and the other resource share a capability having a strength, wherein the step of receiving replacement information includes the step of decreasing the strength of the one resource

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to below the strength of the other resource (col. 3, lines 12-31; col. 5, lines 43 to col. 6, line 29 and col. 7, lines 60 to col. 8, line 31).

As per claim 9 and 25, Endo teaches a method and a computer-readable medium containing instructions for controlling a data processing system, the data processing system having a workflow that models a process and a plurality of plans generated from the workflow that reflect instances of the process, the method and the computer-readable medium comprising the steps of (fig. 2 and abstract):

receiving a request to generate a new plan (manager server unit instructs each task execution person to execute tasks col. 3, lines 12-24 and col. 4, lines 39-51), the new plan having tasks performed by resources, wherein each resource has **profiled** capabilities that are considered when generating the plan to ensure that, for each task, a suitable one of the resources is selected to perform the task (appropriate tasks are assigned to clients/execution persons based on their abilities to perform the task col. 4, lines 39-51);

examining the plurality of plans (col. 10, lines 29-50 and col. 10, lines 29-37) to determine a number of the plurality of the plans that have been modified per a modification since the

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modified plans were created (receiving evaluations/status from execution results of the tasks col. 4, lines 51 to col. 5, line 13 and col. 9, lines 32-63);

determining whether the number of plans exceeds a predetermined threshold (col. 10, lines 38 to col. 11, line 7); and

when it is determined that the number of plans exceeds the predetermined threshold, generating the new plan such that the new plan incorporates the modification (col. 5, 32-54 and col. 9, lines 4-63); and

improving the profiles of the resources using data mined from the generated plan (col. 9, lines 42 to col. 10, line 11 and col. 13, lines 66 to col. 14, line 10).

As per claim 10 and 26, Endo teaches the invention, wherein each plan includes a task that has one of a plurality of resources assigned to perform the task, wherein the modification is a substitution of the one resource with another resource, and wherein the step of generating the new plan includes the step of assigning the other resource to perform the task of the new plan (col. 4, lines 39-65 and col. 6, lines 2-14).

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As per claim 11 and 27, Endo teaches the invention, wherein the step of assigning the other resource includes the, step of assigning a new capability to the other resource that indicates that the other resource is capable of performing the task in the new plan generating the new plan such that the new plan incorporates the modification (col. 4, lines 39-65; col. 6, lines 2-14 and col. 9, lines 4-63).

As per claim 12 and 28, Endo teaches the invention, wherein the step of assigning the other resource includes the step of increasing a strength of one of the capabilities of the other resources to a level that indicates the other resource is capable of performing the task in the new plan (col. 9, lines 42-63).

As per claim 13 and 29, Endo teaches the invention, wherein the one resource and the other resource share a capability having a strength, and wherein the step of assigning the other resource includes the step of increasing the strength of the other resource to exceed the strength of the one resource (col. 3, lines 12-31; col. 5, lines 43 to col. 6, line 29 and col. 7, lines 60 to col. 8, line 31).

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As per claim 14 and 30, Endo teaches the invention wherein the step of assigning the other resource includes the step of removing one of the capabilities of the one resource so that the one resource is incapable of performing the task in the new plan (col. 9, lines 42-63).

As per claim 15 and 31, Endo teaches the invention, wherein the one resource and the other resource share a capability having a strength, wherein the step of assigning the other resource includes the step of decreasing the strength of the one resource to indicate that the one resource is not capable of performing the task in the new plan (col. 3, lines 12-31; col. 5, lines 43 to col. 6, line 29 and col. 7, lines 60 to col. 8, line 31).

As per claim 16 and 32, Endo teaches the invention, wherein the one resource and the other resource share a capability having a strength, wherein the step of assigning the other resource includes the step of decreasing the strength of the one resource to below the strength of the other resource (col. 3, lines 12-31; col. 5, lines 43 to col. 6, line 29 and col. 7, lines 60 to col. 8, line 31).

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As per claim 33, this claim has similar limitations as addressed in claims 1 and 13 above. Endo further teaches a secondary storage, a memory device comprising a program (fig. 7) and processor for running the program (see fig. 2, storage 9 and col. 4, lines 25-65).

Regarding claims 34-37, these claims include similar limitations addressed in claims 2-8 above. Therefore, they are rejected with the same rationale.

Conclusion

1. **ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated

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from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

The prior made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yasin Barqadle whose telephone number is 571-272-3947. The examiner can normally be reached on 9:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess can be reached on 571-272-3949. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Information regarding the status of an application may be obtained form the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either private PAIR or public PAIR system. Status information for unpublished applications is available

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through private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YB

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